

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
JEFFREY G. MCGONEGAL, BARRY
HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROSSMAN, ANDREW KAPLAN,
MIKE DAI, JASON LES, and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293(FLW)(TJB)

MOTION DATE: November 4, 2019

ORAL ARGUMENT REQUESTED

**DIRECTOR DEFENDANTS' JOINDER AND NOTICE OF MOTION TO
DISMISS THE CORRECTED CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT FOR VIOLATION OF THE FEDERAL
SECURITIES LAWS**

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PLEASE TAKE NOTICE that on November 4, 2019, or at such other date as may be set by the Court, Defendants Andrew Kaplan (“Kaplan”), Jason Les (“Les”), and Eric So (“So”) (collectively, “Director Defendants”), by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, NJ 08608, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b) (the “Reform Act”), dismissing with prejudice Lead Plaintiff Dr. Stanley Golovac’s (“Lead Plaintiff”) Corrected Consolidated Amended Class Action Complaint in the above-captioned matter (the “Corrected Complaint” or “CCAC”). The Director Defendants also fully join and incorporate herein the facts and arguments of defendants Riot Blockchain, Inc. (“Riot” or the “Company”), Michael Beeghley, John O’Rourke, and Jeffery G. McGonegal’s concurrently filed Notice of Motion and Motion to Dismiss the Corrected Complaint, Memorandum of Points and Authorities, and the Declaration of Thomas Zaccaro in Support of Defendants’ Motions to Dismiss the Corrected Consolidated Amended Class Action Complaint and the exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, and on such other

written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: September 3, 2019

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By: /s/ Chad J. Peterman

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